



ATTORNEY DOCKET NO.: HII-103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--|---|---------------------------|
| In re Application of: Thomas P. Hartness, et al. |) | Examiner: Peter T. DeVore |
| |) | |
| Serial No.: 10/650,490 |) | Group Art Unit: 3751 |
| |) | |
| Filed: August 28, 2003 |) | Our Customer ID: 22827 |
| |) | |
| Confirmation No.: 6976 |) | Our Account No. 04-1403 |
| |) | |
| For: Circular Motion Filling Machine And Method |) | |

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
U.S. Patent and Trademark Office
Post Office Box 1450
Alexandria, VA 22313-1450

Sir:

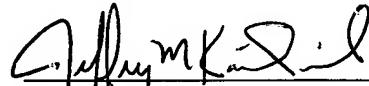
The attached Information Disclosure Statement is submitted for the Examiner's consideration in accordance with the Applicants' duty of disclosure. Although the documents provided in this Information Disclosure Statement are submitted for the Examiner's convenience, Applicants do not admit of their relevance as prior art to the present application under 35 U.S.C. §102 and §103 nor of their pertinence in other respects.

The Examiner is encouraged to contact the undersigned at his/her convenience should he/she have any questions regarding this matter or require any additional information.

Respectfully submitted,

DORITY & MANNING,
ATTORNEYS AT LAW, P.A.

Date: March 28, 2005



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APR 01 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT

In re Application of: Thomas P. Hartness, et al.
Serial No: 10/650,490
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Confirmation No: 6976
Title: Circular Motion Filling Machine And Method

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Sir:

The following is an Information Disclosure Statement for the captioned patent application, pursuant to 37 CFR Sections 1.56, 1.97, and 1.98.

1.[X] Attached hereto is:

- a.[X] A list of materials for consideration per Rule 98(a)(1): 1 page(s)
- b.[X] A legible copy of each patent, publication, or other item listed per Rule 98(1)(2), unless not required per Rule 98 and/or as indicated on the attached list(s):
90 item(s)
- c.[X] For each non-English language item listed, pursuant to Rule 98(a)(3), a concise explanation of the relevance thereof as it is presently understood by the individual designated in Rule 56(c) most knowledgeable about the content of such items: Please see Figures of French language reference; it is understood that the Figures show a container conveyor.
[] Such explanation is provided in the Search Report from a corresponding application enclosed herewith along with any enclosed translation into English.

2.[x] This Information Disclosure Statement is being filed [CHECK ONE]:

- a.[x] WITHIN THREE MONTHS of the application filing date, national stage date of entry, or along with or after a request for continued examination, OR BEFORE the mailing date of a first Office Action on the merits, which ever event occurs last, WHEREFORE per Rule 97(b) NO filing fee or Rule 97(e) certificate is required.
 - b. [] AFTER the time periods of section 2.a above, but BEFORE a Final Action, Notice of Allowance OR an action that otherwise closes prosecution, WHEREFORE PER Rule 97(c) submitted herewith is [CHECK ONE]:
 - i. [] Certification per Rule 97(e); OR
 - ii. [] Filing Fee per Rule 17(p)\$180.00
 - c. [] AFTER a Final Action OR Notice of Allowance, but BEFORE payment of the issue fee, WHEREFORE per Rule 97(d) submitted herewith is:
 - i. Certification per Rule 97(e); AND
 - ii. Filing fee per Rule 17(p)\$180.00
3. [] Rule 97(e) Certification; per Rule 97(e), the undersigned certifying party make the following certification statement [CHECK ONE]:
- a. [] That each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; OR
 - b. [] That no item of information contained in this Information Disclosure Statement was cited in a foreign

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DORITY & MANNING, P.A.

By: Jeffrey M. Karmilovich

Reg. No: 35,915

Signature: J. M. Karmilovich

Date: March 28, 2005

CERTIFYING PARTY (if different from bottom signature; omission here indicates that certification is being made by signer per signature below).

Name: _____
Address: _____

Signature: _____
Date: _____

4.[x] DEPOSIT ACCOUNT AUTHORIZATION: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

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By: Jeffrey M. Karmilovich

Reg. No: 35,915

Signature: J. M. Karmilovich

Date: March 28, 2005

PATENT & TRADEMARK
Rev. 5/92)

Information Disclosure Statement List
By Applicant(s)
Under 37 CFR Section 1.98(a)(1)
(Use several sheets if necessary)

Attorney Docket Number:
HII-103

Serial Number:
10/650,490

Applicant: Thomas P. HARTNESS, et al.

Filing Date: August 28, 2003

Group Art Unit: 3751

Confirmation No: 6976

NOTE:

If no indication is made in the column marked "COPY NOTE," the required legible copy of the corresponding item is submitted herewith; otherwise, a copy is not required and/or not submitted, for the following reason(s) [corresponding reason number is listed in "COPY NOTE" column]

- (1) This item is cumulative, per Rule 98(c)
- (2) A copy of this item was previously cited by or submitted to the U.S. Patent and Trademark Office in:
 - USSN _____, filed _____, or
 - USSN _____, filed _____;
- (3) Relied on under 35 U.S.C. Section 120, per Rule 98(d)
- (4) Both reasons (1) and (2) apply
- (4) No legible complete copy is possessed, in custody of controlled, or readily available
- (5) Per the U.S. Patent and Trademark Office's waiver of Rule 98(a)(2)(i), the item is a U.S. patent or patent application publication, and the present application was filed after June 30, 2003.

U.S. PATENT DOCUMENTS

| EXAMINER INITIALS | PATENTEE NAME | PATENT NUMBER | | | | | | ISSUE DATE | COPY NOTE |
|-------------------|-------------------|---------------|---|---|---|---|---|------------|-----------|
| | Jensen | 9 | 8 | 9 | 5 | 4 | 6 | 04/1911 | 5 |
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| | Ayars | 1 | 0 | 7 | 3 | 0 | 6 | 7 | 09/1913 |
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| | McCarty, et al. | 1 | 5 | 3 | 8 | 4 | 0 | 6 | 05/1925 |
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| | Gaynor | 1 | 9 | 3 | 3 | 5 | 5 | 1 | 11/1933 |
| | Tevander | 1 | 9 | 4 | 2 | 8 | 8 | 5 | 01/1934 |
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| | Okulitch, et al. | 2 | 7 | 6 | 0 | 3 | 1 | 6 | 08/1956 |
| | Day, et al. | 2 | 8 | 9 | 0 | 5 | 5 | 3 | 06/1959 |
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02/1076 5

| | | |
|---|---------------------------------------|------------------------------|
| (Rev. 5/92) Information Disclosure Statement List By Applicant(s) Under 37 CFR Section 1.98(a) (1) | Attorney Docket Number: HII-103 | Serial Number: 10/650,490 |
| <i>Use several sheets if necessary</i> | Applicant: Thomas P. HARTNESS, et al. | |
| <i>APR 01 2005</i> <i>PATENTS - TRADES - ACCC</i> | Filing Date: August 28, 2003 | Group Art Unit: 3751 |
| | Confirmation No: 6976 | |

| | | | | | | | | | | |
|--|----------------------|---|---|---|---|---|---|---|---------|---|
| | McDonald, et al. | 3 | 9 | 5 | 8 | 6 | 8 | 5 | 05/1976 | 5 |
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| | Reichert | 4 | 0 | 5 | 5 | 9 | 4 | 3 | 11/1977 | 5 |
| | Hartness, et al. | 4 | 1 | 2 | 6 | 1 | 6 | 3 | 11/1978 | 5 |
| | McGill | 4 | 1 | 6 | 9 | 6 | 2 | 1 | 10/1979 | 5 |
| | Hartness | 4 | 2 | 1 | 5 | 5 | 2 | 1 | 08/1980 | 5 |
| | Polderman | 4 | 2 | 9 | 1 | 7 | 3 | 3 | 09/1981 | 5 |
| | Winiasz, et al. | 4 | 2 | 9 | 4 | 0 | 5 | 7 | 10/1981 | 5 |
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| | Raudat | 4 | 4 | 4 | 6 | 6 | 7 | 2 | 05/1984 | 5 |
| | Krishnakumar, et al. | 4 | 4 | 8 | 3 | 4 | 3 | 6 | 11/1984 | 5 |
| | Lemair, Didier | 4 | 5 | 2 | 8 | 7 | 9 | 6 | 07/1985 | 5 |
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| | Raudat | 5 | 2 | 1 | 2 | 9 | 3 | 0 | 05/1993 | 5 |
| | Weiss | 5 | 2 | 1 | 9 | 4 | 0 | 5 | 06/1993 | 5 |
| | Kronseder | 5 | 2 | 5 | 7 | 8 | 8 | 8 | 11/1993 | 5 |
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| | Kronseder | 5 | 3 | 1 | 3 | 7 | 6 | 4 | 05/1994 | 5 |
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| | Weiss | 5 | 5 | 0 | 1 | 2 | 5 | 3 | 03/1996 | 5 |
| | Ahlers | 5 | 5 | 3 | 3 | 5 | 5 | 2 | 07/1996 | 5 |
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| | Hartness | 5 | 5 | 8 | 8 | 2 | 8 | 2 | 12/1996 | 5 |
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| | Hartness | 5 | 7 | 9 | 7 | 2 | 4 | 9 | 08/1998 | 5 |
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| | Klarl | 6 | 0 | 2 | 6 | 8 | 6 | 7 | 02/2000 | 5 |
| | Achhammer | 6 | 1 | 8 | 5 | 9 | 1 | 0 | 02/2001 | 5 |
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| | Hartness | 6 | 6 | 1 | 2 | 0 | 9 | 5 | 09/2003 | 5 |
| | Hartness | 6 | 7 | 2 | 2 | 1 | 0 | 1 | 04/2004 | 5 |



(Rev. 5/92)

Information Disclosure Statement List

By Applicant(s)

Under 37 CFR Section 1.98(a) (1)

(Use several sheets if necessary)

Attorney Docket Number:

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Serial Number:

10/650,490

Applicant: Thomas P. HARTNESS, et al.

Filing Date: August 28, 2003

Group Art Unit: 3751

Confirmation No: 6976

FOREIGN PATENT DOCUMENTS

| EXAMINER INITIALS | COUNTRY | DOCUMENT NUMBER | | | | | | | PUBLICATION DATE | TRANSLATION | | | COPY NOTE |
|-------------------|---------|-----------------|---|---|---|---|---|---|------------------|-------------|----|-----|-----------|
| | | 4 | 2 | 1 | 6 | 7 | 2 | 1 | | YES | NO | N/A | |
| | DE | 4 | 2 | 1 | 6 | 7 | 2 | 1 | 11/1993 | X | | | |
| | GB | 5 | 1 | 3 | 2 | 6 | 0 | | 10/1939 | | | X | |
| | FR | 1 | 1 | 9 | 5 | 5 | 5 | 0 | A | 11/1959 | X | | |
| | | | | | | | | | | | | | |

| EXAMINER INITIALS | OTHER DOCUMENTS Specify author (if any), Title, Pertinent Pages, Date & Place of Publication | | | COPY NOTE |
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| | Hartness, et al. U.S. Patent App. No. US 2003/0037514; Circular Motion Filling Machine For Processing Parallel Rows Of Containers And Method | 02/27/2003 | 5 | |
| | Hartness, et al. U.S. Patent App. No. US 2003/0106288; Continuous Circular Motion Case Packing And Closure Apparatus And Method | | 06/12/2003 | 5 |
| | Int'l Search Report and Written Opinion for PCT/US2004/08506 | | 10/19/2004 | |
| EXAMINER | DATE CONSIDERED | | | |
| Examiner: initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant. | | | | |